

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

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WILLIAM T. WALSH, CLERK

In re: Human Tissue Products Liability
Litigation

Docket No. 2:06-cv-135

MDL No. 1763

This Document Relates to All Cases

THIS MATTER having come before the Court by way of conference call on December 13, 2006 and for good cause shown:

IT IS this 26 day of December, 2006,

ORDERED as follows:

1. This order supplements the Court's November 30, 2006 Order related to Defendants' Regeneration Technologies, Inc. ("RTI"), Medtronic, Inc., Medtronic Sofamor Danek USA, Inc. and SpinalGraft Technologies, LLC ("Defendants") Motion to Dismiss All Plaintiffs' Claims Because RTI's Sterilized Tissue Allografts Are Incapable Of Transmitting Disease ("Science First Motion").

2. Plaintiffs shall file an Opposition to the Science First Motion by January 19, 2007.

3. Defendants shall file a Reply, if any, by February 2, 2007.

4. The returnable date for the Science First Motion is February 13, 2007.

5. For purposes of plaintiffs' Opposition, plaintiffs are to assume that all representations by defendants' Science First Motion as to the efficacy of the sterilization process are accurate. Assuming that the RTI allografts are sterilized to SAL 10^{-6} , plaintiffs' Opposition

to the motions shall address the question of whether sterilized tissue is capable of transmitting disease. This question is deemed by this Court to be one seeking declaratory relief only.

6. For purposes of plaintiffs' Opposition to Defendants' Science First Motion, plaintiffs are permitted to address not only the transmission of infectious disease but other medical conditions as well.

7. On or before December 15, 2006, plaintiffs shall report to the Court concerning any additional document discovery plaintiffs seek from Defendants in order to respond to the Science First Motion.

8. Defendants shall respond to plaintiffs' request on or before December 22, 2006.

9. Oral argument on plaintiffs' discovery request will be held on December 27, 2006 at 9:30 a.m.

 s/Ronald J. Hedges

THE HONORABLE RONALD J. HEDGES, U.S.M.J.

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